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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**BRANDON SALUS, and ALAN FELIX
IPANAQUE CORDOVA, on behalf of
themselves and others similarly situated,**

INDEX NO: 07cv03142-GBD-DCF

Plaintiffs,

**FLSA COLLECTIVE ACTION AND
RULE 23 CLASS ACTION**

v.

**TSE GROUP LLC d/b/a B.B. KING BLUES
CLUB AND GRILL and TSION BENSUSAN**

Defendants.

x

DECLARATION OF ADAM PIERCE

I, Adam Pierce, under penalty of perjury, swear/affirm as follows:

1. My name is Adam Pierce.
2. I was employed by TSE Group as a server at B.B. King Blues Club ("B.B. King") from December 2006 until March 2007.

3. Throughout my employment with B.B. King, I consistently noticed that I was not paid for all time worked in a given pay period.

4. B.B. King keeps track of hourly employees' time through an electronic "clock-in" and "clock-out" system. Employees clock in when they arrive at work and clock out when they finish working. Nevertheless, at the end of each week, I am consistently paid for significantly less hours than I clocked in for that pay period. A substantial amount of this time is overtime and should be paid at one and a half times my regular rate.

5. B.B. King's practice is to charge an employee for a customer's bill when that customer does not pay his bill. For example, when a customer walks out without paying his bill (a "walk-out"), or if the restaurant forgives the customers' bill because of a long wait or a problem with a waiter's service, the restaurant forces the waiter to pay for the customer's bill.

6. I noticed several employees forced by B. B. King to pay for walk-out customers' bills.

7. B.B. King once forced me to pay for a customer's entire dinner because I accidentally dropped a glass of wine that was intended for that customer. The bill was approximately \$80. Another time B.B. King charged me for a customer's meal when the customer refused to pay for his meal. The meal was approximately \$60.

I swear/affirm, under penalty of perjury, that the above and foregoing information is true and correct.

Dated: May 21, 2007



Adam Pierce